

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF OHIO  
WESTERN DIVISION

MICHAEL WILLIAMS, et al.,  
Plaintiffs

Case No. 1:11-cv-401  
Dlott, J.

vs

OFFICER MCPORTER, et al.,  
Defendants

**REPORT AND  
RECOMMENDATION**

On June 22, 2011, the Court ordered inmate Davaughan Smith, who is listed as a named plaintiff in the complaint in this case, to submit a signed copy of the complaint and a signed motion to proceed *in forma pauperis* within thirty (30) days if he wished to be a named plaintiff in this action. (Doc. 8). On July 5, 2011, the Order mailed to Mr. Smith was returned by the United States Postal Service as undeliverable with the notation “not here” and “paroled.” (Doc. 12). Accordingly, it is hereby **RECOMMENDED** that the motion for leave to proceed *in forma pauperis* purportedly submitted by Mr. Smith (Doc. 5) be **DENIED**.

Date: 7/7/2011

s/Karen L. Litkovitz  
Karen L. Litkovitz  
United States Magistrate Judge

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**NOTICE**

Pursuant to Fed. R. Civ. P. 72(b), **WITHIN 14 DAYS** after being served with a copy of the recommended disposition, a party may serve and file specific written objections to the proposed findings and recommendations. This period may be extended further by the Court on timely motion for an extension. Such objections shall specify the portions of the Report objected to and shall be accompanied by a memorandum of law in support of the objections. If the Report and Recommendation is based in whole or in part upon matters occurring on the record at an oral hearing, the objecting party shall promptly arrange for the transcription of the record, or such portions of it as all parties may agree upon, or the Magistrate Judge deems sufficient, unless the assigned District Judge otherwise directs. A party may respond to another party's objections **WITHIN 14 DAYS** after being served with a copy thereof. Failure to make objections in accordance with this procedure may forfeit rights on appeal. *See Thomas v. Arn*, 474 U.S. 140 (1985); *United States v. Walters*, 638 F.2d 947 (6th Cir. 1981).